

**FAMILY LAW SECTION**

**Respectfully submits the following position on:**

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**HB 4480**

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,945.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor of this position was 10. The number who voted opposed to this position was 0. The number who abstained from voting was 5.

**Report on Public Policy Position****Name of Section:**

Family Law Section

**Contact person:**

Kent Weichmann

**E-Mail:**[weichmannk@att.net](mailto:weichmannk@att.net)**Bill Numbers:**

[HB 4480](#) (Heise) Children; protection; factors determining best interest of child; modify in cases of domestic violence. Amends sec. 3 of [1970 PA 91](#) (MCL [722.23](#)).

**Date position was adopted:**

May 2, 2015

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

10 Voted for position

0 Voted against position

5 Abstained from vote

6 Did not vote (absent)

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

HB 4480 modifies factor (j) of the child custody act: "The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents." to add the language: "A COURT SHALL NOT CONSIDER NEGATIVELY FOR THE PURPOSES OF THIS FACTOR ANY ACTION TAKEN BY A PARENT TO PROTECT A CHILD OR THAT PARENT FROM THE CHILD'S ABUSIVE PARENT. This addresses one of the problems with child alienation claims, where an abusive parent blames their bad relationship with the child on the other parent. The Family Law Section supports this bill.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2015-HB-4480>